

REMARKS

Favorable reconsideration and withdrawal of the rejections in view of the foregoing amendments and the following remarks are respectfully requested.

There are now pending in this application claims 1-13, with claims 1 and 13 being independent. Claims 1 and 13 have been amended herein. Support for the amendments can be found throughout the originally filed disclosure, including, for example, at paragraph [0030] of the Specification. Accordingly, Applicants submit no new matter has been added.

Claims 1 and 13 were rejected under 35 U.S.C. § 101, as allegedly being directed to non-statutory subject matter.

With respect to claim 1, the Office Action asserts that the components of claim 1 represent software components or software modules that are not necessarily associated with any hardware, and are therefore considered as non-statutory subject matter software.

Applicants respectfully traverse this rejection. Nevertheless, without conceding the propriety of this rejection, and solely to advance prosecution, Applicants have amended independent claim 1 to clarify that the claimed computing system includes “at least one computer.” Thus, claim 1 clearly includes a hardware element. As such, assuming, *arguendo*, that the components recited in claim 1 represent software, the claimed computer system comprising at least one computer is still directed to at least one of enumerated categories of patentable subject matter set forth in 35 U.S.C. § 101 (i.e., process, machine, manufacture, or composition of matter). Accordingly, Applicants request the rejection of claim 1 as being directed to non-statutory subject matter be withdrawn.

With respect to claim 13, the Office Action asserts the functions recited in the claim all result in determining the usage history, and the determination is simply a calculation. The Office Action concludes, therefore, that the claim is non-statutory because it is not tangible.

Without conceding the propriety of this rejection, and solely to advance prosecution, Applicants have amended independent claim 1 to recite “using [a] likelihood with a hierarchical scheme of registrations to allow or deny access to [a] user to different systems associated with [an] account.” As such, Applicants submit claim 13 recites a “useful, concrete, and tangible result” by reciting the allowing or denying of access to the user. See MPEP § 2106. Accordingly, Applicants request the rejection of claim 13 as being directed to non-statutory subject matter be withdrawn.

Claim 13 was rejected under 35 U.S.C. § 102(e) as being anticipated by Candella et al. (U.S. Patent Pub. No. 2005/0021476). The Office Action finds Candella et al. teaches a method comprising, *inter alia*, assigning a positive weight for a transaction, assigning a negative weight for a transaction, and aggregating the positive and negative weights.

This rejection is respectfully traversed. Nevertheless, without conceding the propriety of this rejection, and solely to advance prosecution, Applicants have amended independent claim 13 to recite determining “a likelihood [the] user is correctly associated with [the] user identity” and “using [the] likelihood with a hierarchical scheme of registrations to allow or deny access to [the] user to different systems associated with [the] account.” Applicants submit Candella et al. does not teach or suggest anything even remotely equivalent to using such a likelihood in conjunction with a hierarchical scheme of registrations. Applicants, therefore, request the rejection under Section 102(e) in view of Candella et al. be withdrawn.

Claims 1-12 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Bansal et al. (U.S. Patent Pub. No. 2003/0120593) in view of Benson et al. (U.S. Patent Pub. No. 2004/0225632), and further in view of Candella et al. The Office Action asserts Bansal et al. discloses, *inter alia*, a registration component, an ownership component, and an audit component. The Office Action acknowledges that Bansal et al. does not disclose a servicing component, and also does not disclose determining a usage history of an identity. The Office Action, however, finds that Benson et al. and Candella et al. suggest these features, and concludes it would have been obvious to modify Bansal et al. based on the teachings of Benson et al. and Candella et al., and as such, the combination of references render independent claim 1 unpatentable.

This rejection is respectfully traversed. Nevertheless, without conceding the propriety of this rejection, and solely to advance prosecution, Applicants have amended independent claim 1 to clarify that the audit component is configured to verify integrity of the relationship “based on a hierarchical process.” Neither Bansal et al., Benson et al., nor Candella et al. discloses or suggests anything equivalent to the use of an hierarchical process to verify the integrity of an relationship between a user and an identity. Applicants, therefore, submit independent claim 1 is patentable over the combination of references, and request that the rejection under Section 103 be withdrawn.

For at least the foregoing reasons, Applicants respectfully submit that independent Claims 1 and 13 are patentable over the cited references.

The remaining claims in this application are dependent claims which depend directly or indirectly from claim 1 and are therefore patentable for reasons noted above with respect to

claim 1. In addition, each recite features of the invention still further distinguishing it from the applied references. Favorable and independent consideration thereof is respectfully sought.

Applicants respectfully submit that all outstanding matters in this application have been addressed and that the application is in condition for allowance. Favorable reconsideration and passage to issue of the above application are respectfully sought.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

/Donald H. Heckenberg, Jr./

Donald H. Heckenberg, Jr.
Attorney for Applicants
Registration No. 60,081

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200
DHH:ayr

FCBS_WS 1430790v1